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July 8, 2011

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Received & Inspected

JUL 14 2011

FCC Mail Room

RE: NOI for Broadband in Public Rights of Way and Wireless Facilities Siting Policies – WC Docket No. 11-59

Dear Commission Secretary:

Please be advised that this office serves as Solicitor to Warwick Township, a community in Bucks County, Pennsylvania with a population of approximately 12,000 people. In that capacity, I have been asked to forward to you a copy of Warwick Township's Resolution No. 2011-15 opposing the erosion of the Township's right to regulate rights of way within its boundaries.

Thank you in advance for your capable consideration of my client's position.

Sincerely,

GRIM, BIEHN & THATCHER

By: 

Mary C. Eberle

MCE/tgf
Enclosure

cc: Gail Weniger, Manager, Warwick Township (via email)

No. of Copies rec'd 0
List A B C D E

RESOLUTION 2011-15

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WARWICK TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA URGING THE FEDERAL COMMUNICATIONS COMMISSION TO ALLOW LOCAL GOVERNMENT TO CONTROL LOCAL RIGHTS OF WAY AND THE USE THEREOF

Whereas, Warwick Township is a Township of the Second Class located in Bucks County, Pennsylvania ("Township"); and

Whereas, it has come to the attention of the Board of Supervisors that the Federal Communications Commission ("FCC") has opened an Notice of Inquiry ("NOI") that could weaken municipal right-of-way authority and reduce right-of-way fees; and

Whereas, the Township recognizes the need for and the desire of its residents to have cable, broadband and communication services at their homes and businesses; and

Whereas, the Township is eager to host willing service providers and encourages competition in the cable, broadband and communications industries ("Service Providers") because fair competition between Service Providers results in lower service costs for Township residents and businesses; and

Whereas, the Township and its residents have experienced significant issues with Service Providers, which issues can only be resolved at the local level, including but not limited to, trespassing upon and destruction of private property; and

Whereas, those property owners who have experienced issues with trespass and destruction of private property have been made whole only through the efforts of the Township through regulation of the use of its rights-of-way; and

Whereas, the Township has experienced damage to local roads as a result of Service Providers, and more frequently, contractors hired by the Service Providers; and

Whereas, the Township has determined that deprivation of the right of local government to regulate its own rights-of-way will leave Township and its residents and businesses with no convenient method of securing repair or redress of the damage done to public property;

NOW, THEREFORE, it is hereby RESOLVED by the Board of Supervisors of Warwick Township as follows:

1. The Board of Supervisors opposes regulation by the FCC which will deprive or limit the ability of the Township to regulate activities in its rights-of-way for the following reasons:
 - a. The Township has always worked diligently to accommodate providers of cable, broadband and communication services, knowing that a timely and streamlined permitted process will benefit its residents by promoting competition in the industry;
 - b. The Township has always sought to impose reasonable fees which are consistent with the costs incurred by the Township in responding to issues which result from the use of rights-of-way by those companies which profit from the use of local rights-of-way. In all cases, the fees imposed on Service Providers are passed on to the customer and the bills to the customers clearly indicate the amount of the fee. The Township has never received a complaint about the amount or reasonableness of fees imposed on the customers as a result of the regulation of the service providers;


- c. The Township has not attempted to regulate or limit the technology utilized by Service Providers, as it understands that the free market will require Service Providers to offer the best and most efficient products available. The Township welcomes new technologies which bring new and improved service to its residents and businesses;
- d. The Township has never discriminated in the treatment of Service Providers, knowing that a level playing field and fair competition will result in the lowest prices and best service to the Warwick Township residents and businesses; and
- e. Even the best and most reliable Service Providers frequently wander outside the rights-of-way of local roads, trespassing and causing damage to private property. In those circumstances, property owners need speedy and equitable remedies which cannot be provided through expensive litigation or proceedings before a regulatory body. The power of the Township as the regulator of local rights-of-way has been indispensable in ending the trespass and repairing the damage to the property.
- f. The Township, because of its role as the regulator of the rights-of-way, has been effective in advising customers of their rights and resolving service-related complaints such as the provision of service to more remote areas and fuzziness on certain channels;


SO RESOLVED this 5th day of July, 2011.

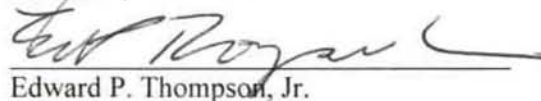
ATTEST:


Gail V. Weniger, Manager

**WARWICK TOWNSHIP
BOARD OF SUPERVISORS**


Judith A. Algeo, Chair


John Cox, Vice Chair


Edward P. Thompson, Jr.